

NOTICE OF INTENT

Department of Health and Hospitals Board of Medical Examiners

Clinical Laboratory Personnel, Licensure and
Certification (LAC 46:XLV.3519)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270 and the Louisiana clinical laboratory personnel law, R.S. 37:1311-1329, the board intends to amend §3519.A and B of its clinical laboratory personnel rules to reduce from one year to six months the total time that an individual otherwise qualified for clinical laboratory personnel licensure may practice under a temporary license (temporary license and renewed temporary license) without having taken and passed the licensing examination. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 35. Clinical Laboratory Personnel

Subchapter B. Licensure and Certification

Requirements

§3519. Temporary License or Certificate

A. Generally. Applicants that qualify by education, experience, or training but have not taken or passed an approved nationally recognized certification examination may be granted a temporary license or temporary certificate that will allow that individual to engage in the practice of clinical laboratory science at the appropriate level (CLS-G, CLS-S, CLS-T, cytotechnologist, or phlebotomist). The temporary license or certificate will be valid for three months.

B. Failure to Pass Examination; Renewal. A temporary license or temporary certificate issued pursuant to this Section may be renewed one time upon failure to pass an approved nationally recognized certification examination. Such renewal shall be effective for three months. Applicants who fail to pass the appropriate approved nationally recognized certification examination a second time may not renew their temporary license or temporary certificate. Such applicants shall:

B.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(5) and 37:1311-1329.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1289 (November 1994), amended LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with development disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., March 21, 2016.

Public Hearing

If a public hearing is requested to provide data, views, arguments, information or comments in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on March 28, 2016 at 9 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held. A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Cecilia Mouton, M.D.
Executive Director

**FISCAL AND ECONOMIC IMPACT
STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Clinical Laboratory Personnel,
Licensure and Certification**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS)
TO STATE OR LOCAL GOVERNMENT UNITS
(Summary)**

Other than the rule publication costs during FY16, it is not anticipated that the proposed rule changes will impact costs or savings to the Board of Medical Examiners or any state or local governmental unit. Publication costs associated with such notice (\$213) and promulgation (\$106) are estimated at a combined total of \$319 in FY 16. The Board proposes to amend Section 3519(A) and 3519(B) of its Clinical Laboratory Personnel Rules to reduce from one year to six months the total time that an individual otherwise qualified for clinical laboratory personnel licensure may practice under a temporary license (temporary license and renewed temporary license) without having taken and passed the licensing examination. The rule that the Board proposes to amend was adopted when examinations were taken in written form and processed manually. For a number of years such examinations have been available electronically, thereby increasing examination access and reducing the time required for registration and processing of examination results. The proposed changes will still allow an applicant multiple examination attempts during the proposed reduced period.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on the revenue collections of the Board of Medical Examiners or any state or local governmental unit.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS
TO DIRECTLY AFFECTED PERSONS OR
NONGOVERNMENTAL GROUPS (Summary)**

It is not anticipated that the proposed changes will affect paperwork or workload of applicants for clinical laboratory personnel licensure and/or income of licensees or non-governmental groups. However, the proposed changes may, to an extent that the Board cannot estimate, have an adverse economic impact on a small number of applicants who do not attempt or pass the licensing examination during the proposed reduced span of a temporary license. It is anticipated that any such applicants will be few in number.

**IV. ESTIMATED EFFECT ON COMPETITION AND
EMPLOYMENT (Summary)**

It is not anticipated that the proposed changes will have any material impact on competition or employment in either the public or private sector. However, the window to achieve a passing grade on the licensing exam for Clinical Lab Personnel will shrink from 12 months to 6 months, and failure to achieve licensure may result in an impact for those individuals to maintain employment in a clinical laboratory.

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Executive Director
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Evan Brasseaux
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